

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference P 14391PCDK	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/DK 03/00034	International filing date (day/month/year) 20.01.2003	Priority date (day/month/year) 25.06.2002
International Patent Classification (IPC) or both national classification and IPC H04L29/06		
Applicant PR ELECTRONICS A/S et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20.01.2004	Date of completion of this report 12.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Lopez Monclus, I. Telephone No. +49 89 2399-7113 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 03/00034**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-15 as published

Claims, Numbers

1-15 as published

Drawings, Sheets

1/6-6/6 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: ., which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 03/00034**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK 03/00034

Cited documents:

- D1: US-A-6 151 640 (BAILEY JONATHAN H ET AL) 21 November 2000 (2000-11-21)
D2: EP-A-0 713 310 (CANON INFORMATION SYST INC) 22 May 1996 (1996-05-22)

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.

1. First of all, it is to be noted that due to the broad formulation of its subject-matter, independent claim 1 does not meet the requirements of Article 33(3) PCT regarding inventive step.

Document D1 discloses a field bus adapter for transmitting and receiving control data from a field bus network where the data is being exchanged according to a specific field bus protocol (Abstract).

The subject matter of claim 1 differs from the adapter described by D1 in that the adapter further comprises a protocol detector adapted for detecting a field bus protocol and setting up the receiver and transmitter for communicating according to said detected protocol.

The problem to be solved by the present invention may be regarded as being able to detect the protocol used in a network in order to make a network adapter communicate using said detected protocol.

In consulting the prior art he would come across D2 , which discloses a method of determining which of plural protocols are active on a computerized local area network. D2 describes a NEtwork Board (NEB) which uses autoprotocol detection to determine frame types used by network traffic, correlates those frames types with a particular one of several different protocols available to the NEB and loads

the protocol stack so as to carry out network communications using that protocol and the detected frame type (Column 16, line 54 - column 17, line 7).

To a skilled person, therefore, starting from the apparatus defined by D1 and aware of the disclosure of D2 it would be obvious to apply the approach described in D2 to the apparatus of D1, in order to improve it and he would thus arrive at the adapter corresponding to the subject-matter of claim 1.

The subject-matter of claim 1, therefore, does not involve an inventive step and does not meet the requirements of Article 33(3) PCT.

2. Independent claims 11 and 15, although phrased as a method and storage medium claims are nonetheless a repetition of the subject-matter of claim 1. According with the reasons exposed in section 1, their subject-matter is not inventive and fails to meet the requirements of Article 33(3) PCT.
3. The dependent claims 2-10, 11-14 do not seem to contain any subject-matter which, in combination with the subject of the claim on which they are dependent, would lead to a claim involving inventive activity (Article 33(3) of the PCT).

Their subject-matter is indeed either directly derivable from the above-cited documents or concerns simple embodiments without inventive merit in themselves.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/DK 03/00034

Certain defects in the international application

1. The independent claims are not properly cast in the two-part form with those features which in combination are part of the prior art (see document D1), Rule 6.3(b) PCT.
2. Documents D1 and D2 have not been identified in the description and the relevant background art disclosed therein has not been briefly discussed (Rule 5.1(a)(ii) PCT).
3. Reference signs in parentheses have not been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.
4. Following from the disclosure of documents D1-D2, the statement indicating the technical problem to be solved by the invention has not been revised.